



**PLANNING BOARD**

**Report to Town Meeting**

**ARTICLE 25 UNIVERSITY DRIVE REZONING  
(Planning Board)**

To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L)

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 5-3 (Barberet, Webber and Crouner opposed) to recommend that Town Meeting adopt this article.

Background

Article 25 proposes to change the zoning designation of a 5.79 acre parcel located immediately south of the Newmarket Center property, on the east side of University Drive. Currently zoned Office Park (OP), the amendment would rezone the property to Limited Business (B-L). This would have the effect of increasing the number and types of uses allowed on the property to include residential uses, mixed uses and retail uses. Under the current OP zoning, residential uses (Section 3.32), mixed uses (Section 3.325), and retail uses (Section 3.350) are not permitted on the site.

Consideration of this rezoning was originally spurred by a potential development project on the property in question. The concept for that project included affordable congregate housing for the elderly (Section 3.328) along the rear of the property, and a mixture of retail, office and residential uses (Section 3.325 of the Zoning Bylaw) near the front.

However, in examining this property and its surroundings, the Zoning Subcommittee and the Planning Board examined the full context of existing uses and land use needs in the area. As a result, this proposed rezoning is not tied to any given project, but to the need to allow a wider range of potential uses of this property.

The Planning Board has been examining the zoning of the area along University Drive for several years. In November 2007, the Board proposed and Town Meeting adopted a new Research & Development

(R & D) overlay district was applied to the B-L zoning district along the western side of University Drive. The R&D overlay district altered the permit requirement for research and development or testing uses and light manufacturing uses, creating a larger area where these uses would be permitted close to the University where many research and development activities are developed.

Most properties along both sides of University Drive have been developed to some degree. The uses in the adjacent B-L district properties include a large shopping center anchored by the Big Y Supermarket at the south end, near Route 9, many offices, restaurants, and retail uses, and, directly north of the subject property—a shopping center that includes a fitness center/gym (The Leading Edge).

Uses in the existing OP District south of this property include an office building (100 University Drive—the former Lincoln Pulp and Paper building), a nursing home (Center for Extended Care), the entrance to a living care facility for the elderly (The Arbors' building is actually located in the adjacent Neighborhood Residence (R-N) District), a medical office building containing satellite facilities of Cooley Dickinson Hospital and several other medical practices, and a former residence on Route 9 most recently used for several small professional offices.

The parcel under consideration for rezoning is the only property along University Drive that has not been developed in some manner.

The Office Park (OP) zoning of the property was created in 1978 to specifically encourage office uses on the east side of University Drive. Prior to that rezoning, the east side of University Drive had been zoned R-N (Residential Neighborhood). Currently, this area is the only OP zoning district in Amherst. The OP zoning district has been characterized as a “vestigial” zoning district, because of the many limitations on the types of uses that can occur within its boundaries. The Planning Board considered rezoning the entire district, but concluded that a change of that extent could negatively impact the many uses already operating under the existing OP zoning, creating non-conformities. For instance, the side yard setback for buildings in the OP District is only 10 feet, but in the B-L District, it is a greater 25 feet. Existing buildings constructed under the OP regulations could become non-conforming under the B-L regulations. Rezoning a vacant property, however, would not create any non-conforming situations for existing buildings or uses.

It was further noted that during the Master Plan process, the University Drive corridor between Route 9 and Amity Street had been discussed as a potential area for increased campus-edge development, including both non-residential and mixed uses. This corridor appears on the Land Use Policy Map of the Master Plan as an area for “Existing/Potential Non-Residential Development”, one of several areas described as “selected outlying areas—usually but not always near existing or proposed new centers . . . targeted for carefully controlled non-residential commercial development.”

Rezoning this property from Office Park (OP) to the Limited Business (B-L) designation would also further that longer-term public purpose.



Public Hearing

The Planning Board held a public hearing on Article 25 on March 17, 2010.

The Planning Board heard a report and recommendation from the Zoning Subcommittee, which had been studying the rezoning of this property. The Planning Board also heard extended testimony from abutters and others about wetlands, storm drainage and traffic issues on the site and in the vicinity of University Drive. Many of those speaking were concerned that development of the property under new B-L zoning might cause a worsening of these site conditions.

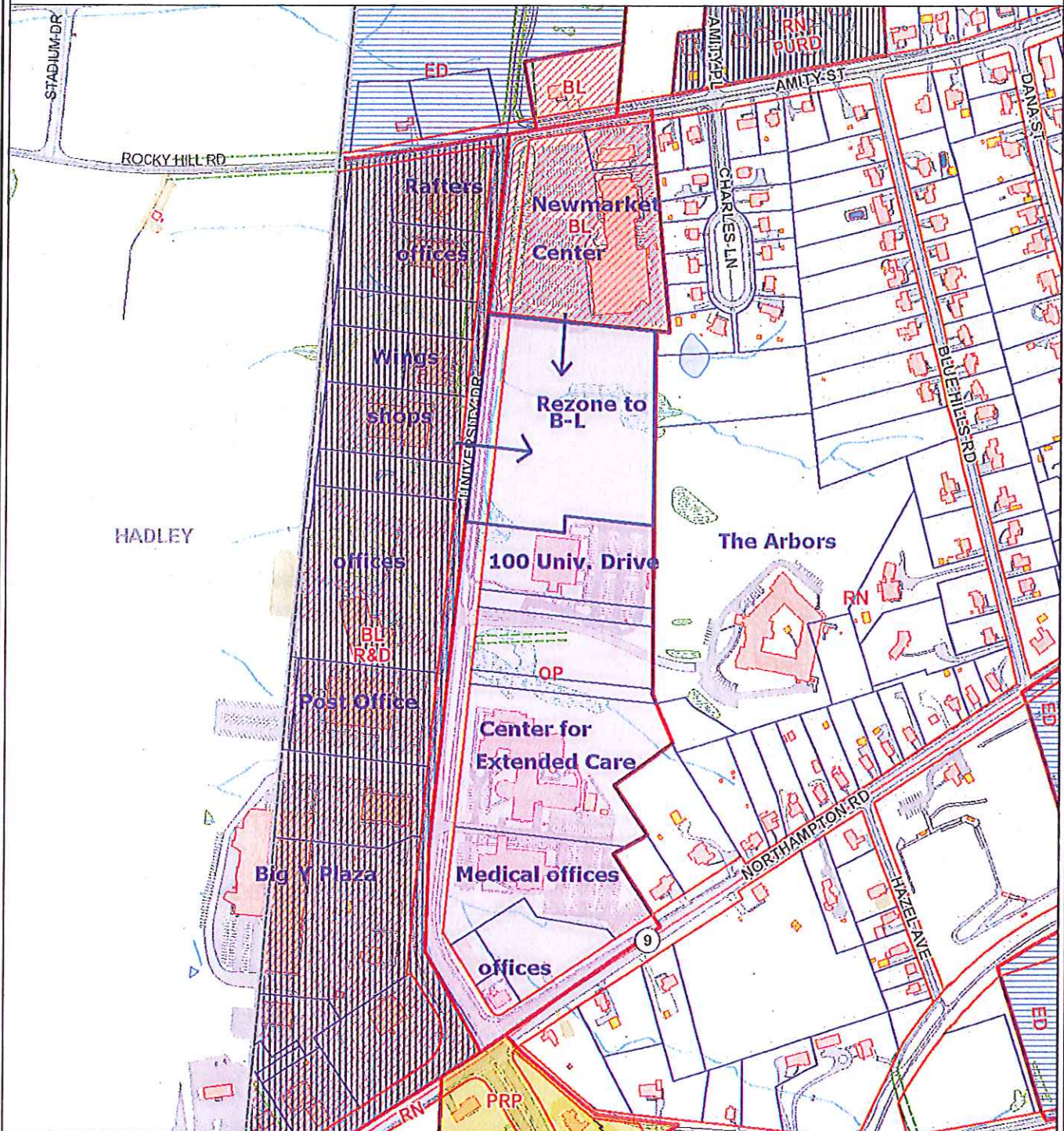
In discussion, a majority of Board members felt that while there appeared to be some strong environmental and infrastructure limitations on development of the property, the extent of those limitations was not known and the appropriate place to address them would be during the permit process. Some conditions, such as the capacity and function of existing storm drainage, might only be improved as a result of development.

A minority of Board members felt that the zoning should respond to the current conditions on the property, or, should not proceed unless those conditions were better understood.

After discussion and public comment, the Board voted 5-3 (Barberet, Webber, and Crouner opposed) to recommend that Town Meeting adopt this article.







Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD83, Feet

Planimetric & topographic basemap features compiled  
at 1"=40' scale from April, 2009 Aerial Photography.  
Parcels compiled to match the basemap;  
revisions are ongoing.

The information depicted on this map is for planning  
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## Zoning Map

- Zone Overlay
- Design Review Board Jurisdiction
- Municipal Parking District

## Zoning

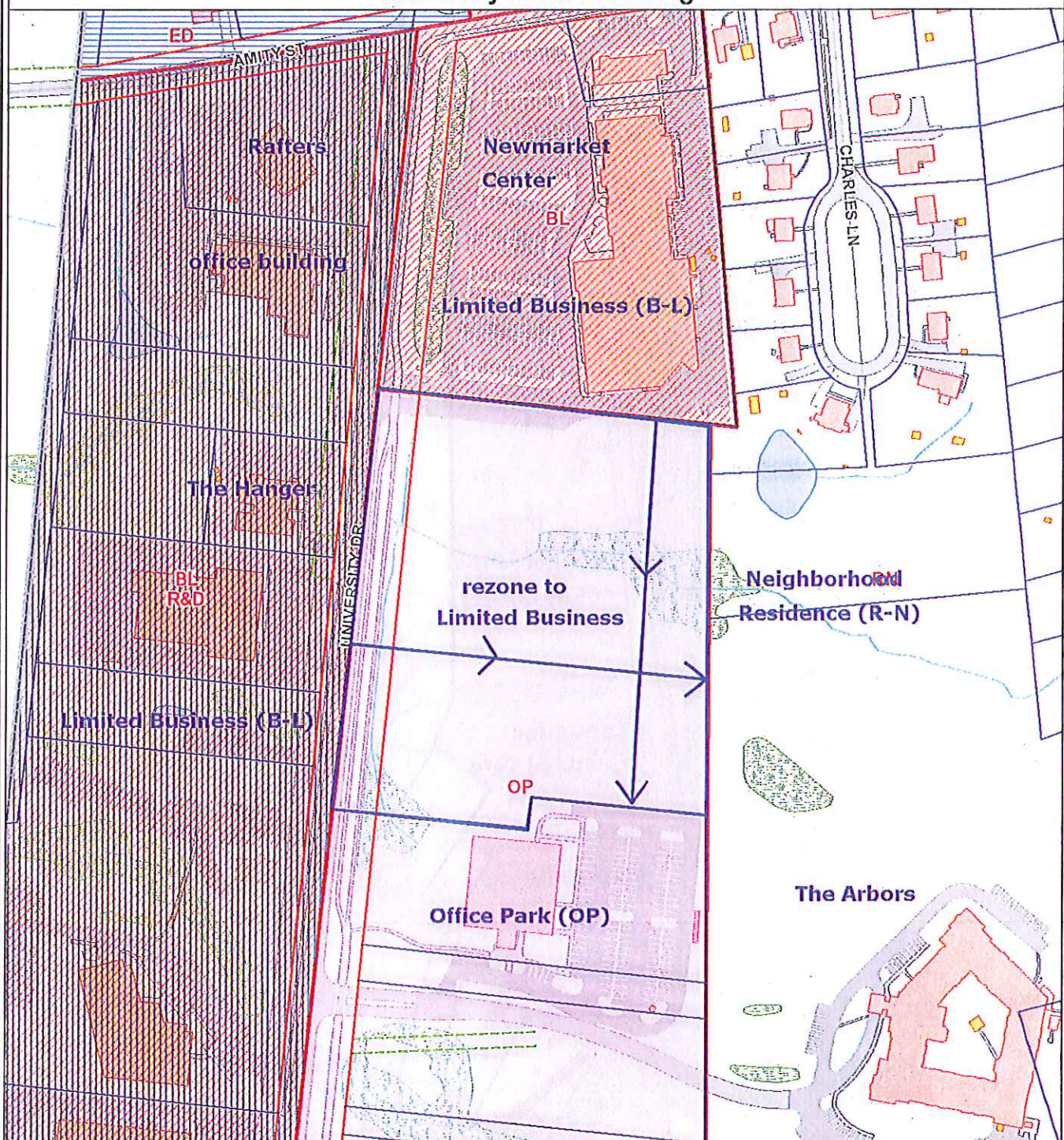
- R-LD: Low Density Residence
- R-F: Fraternity Residence
- R-O: Outlying Residence
- R-N: Neighborhood Residence
- R-VC: Village Center Residence
- R-G: General Residence
- B-VC: Village Center Business
- B-L: Limited Business
- B-N: Neighborhood Business
- B-G: General Business
- OP: Office Park
- COM: Commercial
- PRP: Professional & Research
- LI: Light Industrial
- ED: Educational
- FPC: Flood-Prone Conserva



1" = 400 ft







Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD83, Feet

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#### Zoning Map

Zone Overlay

Other Regulated Areas

Design Review Board Jurisdiction

Municipal Parking District

#### Zoning

- R-LD: Low Density Residence
- R-F: Fraternity Residence
- R-O: Outlying Residence
- R-N: Neighborhood Residence
- R-V: Village Center Residence
- R-G: General Residence
- B-V: Village Center Business
- B-L: Limited Business
- B-N: Neighborhood Business
- B-G: General Business
- OP: Office Park
- COM: Commercial
- PRP: Professional & Research
- LI: Light Industrial
- ED: Educational
- FPC: Flood-Prone Conservation



1" = 200 ft





# ATTACHMENT

## ARTICLE 25 UNIVERSITY DRIVE REZONING

### Comparison of Zoning Regulations

**Key:** Y = Yes (allowed by right)  
N = No (not permitted)  
SPR = Site Plan Review approval by the Planning Board  
SP = Special Permit by Zoning Board of Appeals  
( ) = Permit requirement in the Aquifer Recharge Protection (ARP) District

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		<u>Current</u>	<u>Proposed</u>
<u>Use Category</u>		<u>OP</u>	<u>B-L</u>
<b>3.31 EXTENSIVE USES</b>			
3.310 Forestry		Y	Y
3.311 Orchard, nursery		Y	Y
3.312 Farm stand			
Class I		SPR	SPR
Class II		SP	SPR< = Changes under proposed rezoning
3.313 Commercial poultry/livestock		N	N
3.314 Private conservation/preserve		Y	Y
3.315 Outdoor recreation (commercial)		N	SP<
3.316 Impoundment or pond		SP	SP
3.317 Commercial greenhouse		N	SP<
<b>3.32 RESIDENTIAL USES</b>			
3.320 Single family house		N	N
3.321 Duplex		N	N
3.322 Town House		N	SP<
3.323 Apartments		N	SP<
3.324 Subdividable/Converted dwellings			
3.3240 Subdividable dwelling		N	SP<
3.3241 Converted dwelling		N	SP<
3.325 Mixed res./comm. use		N	SPR<
3.326 Fraternity/sorority		N	N
3.327 Overnight Lodging			
3.3270 Hotel/motel		N	SP<
3.3271 Inn		N	SP<
3.3272 Hostel		N	SP<
3.328 Congregate housing		N	N
3.329 Lodging/boarding house		N	SP<
<b>3.33 INSTITUTIONAL USES</b>			
3.330 Non-profit educational		SPR	SPR
3.331 Kindergarten/day care		SPR	SPR
3.332 For-profit educational		N	SPR<
3.333 Church/house of worship		SPR	SPR
3.334 Non-profit library/museum		SPR	SPR
3.335 Public park/playground		SPR	SPR
3.336 Medical/residential facilities			
3.3360 For-profit		SP	SP
3.3361 Charitable/non-profit		SPR	SPR
3.337 Cemetery		N	N
3.338 Private lodge or club		N	SPR<
3.339 Univ./college service building		SPR	SPR

<u>Use Category</u>	<u>OP</u>	<u>B-L</u>
<b>3.34 GOVT./PUBLIC USES</b>		
3.340 Utility uses		
3.3400 Energy facility	SP	SP
3.3401 Communication	SP	SPR<
3.3402 Wireless facility	SP	SP
3.3403 Transportation facility		
- Rail or bus depot	SP	SP
- Taxi or limousine	SP	SP
3.341 Airport/heliport	N	SP<
3.342 Govt. admin., fire, police	SPR	SPR
3.343 Water or sewer facility	SPR	SPR
3.344 Other govt. use not specified	SP	SPR<
<b>3.35 RETAIL BUSINESS &amp; CONSUMER SERVICE USES</b>		
3.350 Retail establishments		
3.3500 Retail stores	N	SPR<
3.3501 Convenience stores	N	SPR<
3.3502 Grocery, bakery, deli, caterer	N	SPR<
3.351 Personal care establishments		
3.3510 Barber, beauty salon	N	SPR<
3.3502 Laundry/dry cleaning	N	SPR<
3.3503 Tailor, cobbler, etc.	N	SPR<
3.352 Food & drink establishments		
3.3520 Class I restaurant/café	N	SPR<
3.3521 Class II bar/restaurant	N	SP<
3.3522 Class III drive-up	N	N
3.353 Theater, motion picture house, bowling alley, dance hall, arcade or or other indoor amusement or assembly use	SP	SP
3.354 Funeral home	N	SP<
3.355 Studio/repair		
3.3550 Photography studio	N	SPR<
3.3551 Appliance repair	N	SPR<
3.356 Trades/repair shop	N	SP<
3.357 Veterinarian, kennel	N	SP<
3.358 Office Uses		
3.350.0 Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises	SPR	SPR
3.358.1 Technical or professional office providing services predominantly by appointment to the public in person on the premises	SPR	SPR
3.358.2 Administrative business office or similar business or professional office not providing services to the public on the premises	SPR	SPR



<u>Use Category</u>	<u>OP</u>	<u>B-L</u>
3.359 Medical/dental laboratory	SPR	SPR
3.360 Medical Facilities		
3.360.0 Medical offices	SPR	SPR
3.360.1 Medical group practice	SPR	SPR
3.360.2 Medical center	SPR	SPR
3.360.3 Clinic/emergency care	SPR	SPR
3.361 Auction gallery	N	SPR<
3.362 Artisan/craft shop	N	SPR<
<b>3.37 RESEARCH &amp; INDUSTRIAL USES</b>		
3.370 Warehouse, storage building	N	N
3.371 Lumber yard, other open-air storage	N	N
3.372 Research/Industrial		
3.372.0 Research/testing facility	SPR	SP/SPR (R&D) <
3.372.1 Light manufacturing, assembly processing	SPR	SP/SPR (R&D) <
3.373 Manufacturing, assembly, processing	N	N
3.374 Quarrying rock or earth	N	N
3.375 Processing rock or earth	N	N
3.376 Radioactive waste storage & disposal	N	N
<b>3.38 MOTOR VEHICLE RELATED USES</b>		
3.380 Auto/truck rental	N	SP<
3.381 Filling station w/ sales	N	SP<
3.382 Salvage yard w/ sales	N	N
3.383 Car wash	N	N
3.384 Parking facilities		
3.3840 Commercial lot or garage	N	SP<
3.3841 Public lot or garage	SP	SPR<
3.385 Vehicle repair shop	N	SP<
3.386 Vehicle sales	N	SP<
3.387 Vehicle parts store; no installation/repairs	N	SPR<
3.388 Vehicle parts store; installation & repairs	N	SP<
3.389 Truck terminal	N	N

